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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JIMMY ELLISON, an Individual

11 Plaintiff,

12 vs.

13 STATE OF NEVADA, *ex rel.* OFFICE OF
14 THE MILITARY; DOES I through X; and ROE
15 CORPORATIONS I-X,

16 Defendants.

Case No.: 3:23-cv-00598-LRH-CLB

17 **ORDER GRANTING STIPULATION TO
EXTEND TIME TO RESPOND TO
FIRST AMENDED COMPLAINT**

18 **[SECOND REQUEST]**

19 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiff JIMMY ELLISON (“Plaintiff”
or “Mr. Ellison”), by and through his counsel of record, Dana Sniegocki, Esq. of HKM
20 Employment Attorneys LLP, and Defendant STATE OF NEVADA, EX REL. ITS OFFICE OF
THE MILITARY (“Defendant” or “OOM”), by and through its attorneys, AARON D. FORD,
Attorney General for the State of Nevada, SCOTT H. HUSBANDS, Senior Deputy Attorney
General, hereby submit this Stipulation, Request, and Order To Extend Time To Respond To
First Amended Complaint. This is the second request for an extension of time by the parties.

21 Plaintiff filed his Complaint (ECF No. 1) on November 27, 2023 (the “Complaint”). The
22 plaintiff filed his First Amended Complaint on January 3, 2024 (ECF No. 5). The Plaintiff
23 effected service of his First Amended Complaint on Defendant on January 22, 2024. Pursuant to

1 Federal Rule of Civil Procedure 12(a), the deadline for the OOM to answer or otherwise respond
2 to the First Amended Complaint was Monday, February 12, 2024. On February 14, 2024, the
3 parties submitted a stipulation to extend the time for the Defendant to respond to the First
4 Amended Complaint. (ECF No. 9). On February 15, 2024, the Court granted the parties'
5 stipulated request for an extension setting the time for filing to Monday, March 4, 2024. On
6 Monday, March 4, 2024, and Wednesday, March 6, 2024, the parties met and conferred
7 regarding a second request for an extension to file the responsive pleading. The parties agreed
8 that OOM would have up to and including Monday, March 11, 2024, to submit a responsive
9 pleading to the First Amended Complaint. In return for agreeing to this extension, OOM agrees
10 to waive any issues as to service of process. The parties are therefore submitting this stipulation
11 on Monday, March 11, 2024.

12 On Monday, March 4, 2024, Defendant's counsel concluded that he would not be able to
13 complete and file Defendant's responsive pleading that day. Prior to March 4, 2024,
14 Defendant's counsel had been involved in several other matters that took time away from his
15 ability to complete the responsive pleading. Among other things, Defendant's counsel has been
16 involved in a complex multi-hearing involving personnel issues. Defendant's counsel had also
17 been preparing a lengthy settlement conference statement in a federal lawsuit involving 13
18 claims against 11 defendants. On the morning of March 4, 2024, Defendant's counsel reached
19 out to Plaintiff's counsel, and counsel met and conferred on an extension of time for Defendant
20 to respond to the First Amended Complaint. Counsel initially agreed on an extension until
21 Thursday, March 7, 2024. On Thursday, March 7, 2024, Defendant's counsel was tied up
22 preparing to leave town for a settlement conference in federal court. Realizing that it would not
23 be possible to submit the responsive pleading on March 7, 2024, counsel met and conferred by e-
24 mail on March 6, 2024. The parties agreed that OOM would have until Monday, March 11,
25 2024, to submit a responsive pleading to the First Amended Complaint.

26 Pursuant to LR IA 6-1, the parties' inability to request this extension of time prior to
27 March 4, 2024, was the result of excusable neglect. Specifically, Defendant's counsel, who
28 agreed to draft the stipulation, was tied up on Monday, March 4 preparing for a complex
personnel hearing in Carson City the following day. That preparation and the hearing itself took

1 all of Monday and Tuesday. By Wednesday, the Defendant's counsel was then consumed with
2 preparing for a complicated settlement conference in federal court on Friday, March 8, 2024.
3 The defendant's counsel also spent all day Thursday preparing for that conference and was tied
4 up in the conference on Friday, March 8, 2024. Upon conclusion of the settlement conference,
5 the Defendant's counsel was traveling back to Reno from Las Vegas and did not return to Reno
6 until 9:00 p.m. Thus, Defendant's counsel was first able to prepare the parties' stipulation on
7 Monday, March 11, 2024.

8 Upon agreement by and between the parties, through their respective counsel, the parties
9 request that this Court grant the parties' request for an extension of time for the Defendant to file
10 its responsive pleading to the First Amended Complaint. Per the terms of the parties' agreement,
11 Defendant will have up to and including, Monday, March 11, 2024, to file its responsive
12 pleading to the First Amended Complaint.

13 By entering into this stipulation, neither of the parties waive any rights they have under
14 statute, law, or rule with respect to the First Amended Complaint, except as provided herein.

15 DATED this 11th day of March 2024.

DATED this 11th day of March 2024.

16 HKM EMPLOYMENT ATTORNEYS LLP

AARON D. FORD
Attorney General

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22 Attorneys for Defendant

24 **IT IS SO ORDERED:**

25 DATED this 11th day of March, 2024.

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UNITED STATES MAGISTRATE JUDGE
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